

MONTANA LEGISLATIVE HISTORY

Chapter 266 19 65

Bill H 397 S _____ Original bill & history ____C

H. Committee on Ways & Means

Hearing Date(s) 2-4 ☒ C

2-23 ☒ C

_____ C

_____ C

Date Out _____ C

S. Committee on Judiciary

Hearing Date(s) 2-23 ☒ C

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Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

HOUSE BILL No. 397

INTRODUCED BY HALL.

33-124, R.C.M. 1947.

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 33-124, R.C.M. 1947, BY INCREASING THE VALUE OF THE HOMESTEAD FROM TWO THOUSAND FIVE HUNDRED DOLLARS TO TEN THOUSAND DOLLARS; PROVIDING FOR AN EFFECTIVE DATE FOR THIS ACT."

Be It Enacted by the Legislative Assembly of the State of Montana:

1 Section 1. Section 33-124, R.C.M. 1947, is amended to read
2 as follows:

3 "33-124. Homesteads—quantity and value of land. Home-
4 steads may be selected and claimed:

5 1. Consisting of any quantity of land not exceeding three hun-
6 dred and twenty (320) acres used for agricultural purposes, and
7 the dwelling house thereon and its appurtenances, and not in-
8 cluded in any town plot, city or village; or

9 2. A quantity of land not exceeding in amount one-fourth ($\frac{1}{4}$)
10 of an acre, being within a town plot, city or village, and the dwell-
11 ing house thereon and its appurtenances.

12 3. Such homestead, in either case, shall not exceed in value
13 the sum of ~~two thousand five hundred dollars (\$2500.00)~~
14 *ten thousand dollars (\$10,000.00)*, provided, however, that in any
16 proceedings instituted to determine the value of such homestead,

17 the accrued value of such land, with included appurtenances, if
18 any, and of such dwelling house as appears on the last completed
19 assessment roll preceding the institution of such proceedings shall
20 be prima facie evidence of the value of the property claimed as a
21 homestead."

1 Section 2. This act is effective on its passage and approval.

	IN	DATE	DATE	DATE		
HB231	1/22	2/2	In Governor's office 3/4	2/2	Do Pass As Amended	Providing for support of government of Montana for 1965 and 1966
HB237	1/22	1/30	Amended to read as introduced by Ways and Means	1/30	Do Pass as amended Signed by Gov. 2/19/65	Extending period for tax on net insurance premiums
HB 292	1/22	1/30		1/30	Do Not Pass	extending period of tax on net insurance p
HB245	1/22		Referred to Constitutions & Elections	1/30	Killed in Committee	removing prohibition against lotteries and enterprises; providing for State Gaming Ag
HB269	1/22	2/2	Killed on Floor	2/2	Do Pass	setting forth definitions relative to income
HB 270	1/22	2/2	Signed by Gov.	2/2	Do Pass	Defining adjusted gross income
HB 271	1/22	1/30		1/30	Do Not Pass	providing for deductions in computing net in
HB 272	1/22	1/30		1/30	Do Not Pass	filing income tax returns-credit for taxes by another state or country and withholding ments by employer
HB 273	1/22	1/30	Signed by Governor	1/30	Do Pass	providing for release and discharge of liens posed with respect to any tax due
HB285	1/22	2/4	Held in Committee 2/9			Racing associations - rate of license tax, etc.
HB348	1/22	2/4	In Gov. Office 3/4	2/4	Do Pass	providing a charge for income tax return or corporation license tax return copies
HB358	1/23	2/9		2/10	DoNotPass	regrouping property for taxation
HB368	1/23	2/4	Signed by Gov. 2/23/65	2/4	Do Pass	permitting investment of interest and sinki moneys of special improvement district
HB 377	1/23	2/10	Killed in Senate	2/10	Do Pass	providing basis for computation of corporat license tax
HB393	1/23	2/4	Killed on floor of House	2/4	Do Pass	providing that one television set shall be from execution
HB397	1/23	2/4	In Governor's office 3/4	2/4	Do Pass Amended	Increasing value of homestead
HB332	1/23		Trans. to Cons.&Elec.	1/29		Regarding cigarette taxes

1965
House
Ways & Means

February 4, 1965

WAYS AND MEANS COMMITTEE

A meeting of the Ways and Means Committee was held on February 4 at 8:30 A. M. in Committee Room 420. All members were present with the exception of Sullivan who had been excused. Chairman Healy presided.

Rep. Crum, Yellowstone Co., one of the sponsors of HB368 was present in support of the bill. No opponents were present. Crum excused.

Rep. Harper, Park County, one of the sponsors of HB285 introduced Bob Durkee, who was representing the Great Falls Kennel Club who spoke in support of the bill.

Other proponents of the bill present and who testified in support of the bill were: Dick Dzivi, attorney for Great Falls Kennel Club; Ward F. Junkermier, C.P.A. for Great Falls Kennel Club; Jake M. Jones, stockholder in plant; and Luke McKune, who supported proponents of the bill in rebuttal.

Lloyd Shelhamer, rancher, owner of Belgrade race track and Pres. of Montana Racing Ass'n.; and Rep. Tom Selstad, Cascade Co., were present in opposition to HB285.

After discussion and question time proponents and opponents were excused.

Rep. Stranahan, Choteau Co., sponsor of HB348 said all this bill does is make it legal to collect added revenue from the State by charging for copies made of tax returns.

Motion made, seconded and carried that HB368 "Do Pass."

Chairman Healy said that he wants to hold HB285 because he thinks HB489, a similar bill, will be referred to Ways and Means Committee from Agriculture Committee.

Broeder made move that HB348 "Do Pass". Motion seconded by Swanz. Motion carried.

Chairman Healy said there would be a meeting of the Ways and Means Committee Monday, February 8th at 7:00 P. M. to discuss a number of revenue bills and he would list them at the Sat. meeting. At the Saturday, February 6th meeting HB 501, 502, 503 and 504 would be discussed.

Robt. Emmons, of Smith & Emmons, attorneys, Great Falls, appeared to testify for HB393 and 397. Said the statutes on the present laws regarding "homestead" were enacted in 1889. Rep. Hall, Cascade Co. also appeared as proponent of HB393 and 397.

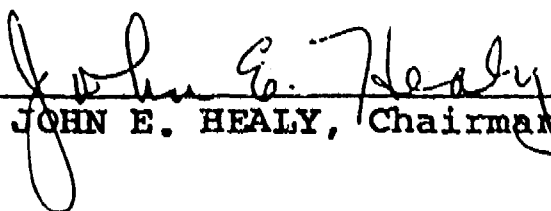
Proponents excused.

Falkenstern made motion to amend HB 397 changing title and part of bill to read \$10,000 instead of \$15,000.00. Motion seconded Motion carried.

Motion made, seconded and carried that HB397 "Do pass as amended."

Motion made, seconded and carried that HB393 "Do Pass."

Meeting adjourned.



JOHN E. HEALY, Chairman

February 14, 19 65

MR. SPEAKER:

We, your Committee on.....**WAYS AND MEANS**.....
having had under consideration.....**HOUSE**..... Bill No.....**397**.....
33-124, R.C.M. 1947

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 33-124, R.C.M. 1947, BY INCREASING THE VALUE OF THE HOMESTEAD FROM TWO THOUSAND FIVE HUNDRED DOLLARS TO FIFTEEN THOUSAND DOLLARS; PROVIDING FOR AN EFFECTIVE DATE FOR THIS ACT."

Respectfully report as follows: That.....**HOUSE**..... Bill No.....**397**.....
be amended as follows:

Strike the words "FIFTEEN THOUSAND DOLLARS" in the title of the original bill on line 6, page 1 of the original bill and insert in lieu thereof "TEN THOUSAND DOLLARS";

and further amend as follows:

Strike the words and figures "fifteen thousand dollars (\$15,000.00)" on lines 21 and 22, page 1, of the original bill and insert in lieu thereof "ten thousand dollars (\$10,000.00):"

as amended

Do Pass.

D. D. C. / D. A. H. / D. S. / D. S. Chairman

John Hall, Representative from Cascade County, appeared before the committee in support and as the sponsor of House Bill No. 397. He told the committee that the purpose of his bill was to amend a section of the present law by increasing the value of the Homestead Act from \$2,500.00 to \$10,000.00. After consideration of this bill by the committee, the following amendments were proposed: Amend the title on page 1, lines 8 and 9 of the original bill, by striking the words "TEN THOUSAND" and inserting in lieu thereof the words "SEVENTY-FIVE THOUSAND"; further amend on page 1, Section 1, sub-section 3, line 28 of the original bill, being page 1, Section 1, sub-section 3, line 14 of the printed bill, by striking the words and figures "ten thousand dollars (\$10,000.00) and inserting in lieu thereof the words and figures "seventy-five thousand dollars (\$7,500.00). Senator Gerard made a motion, seconded by Senator Dussault, that the amendments be adopted. Senator Gerard then made a motion and was seconded by Senator McGowan that the committee recommend that House Bill No. 397, as amended, be concurred in. The motion carried.

After consideration of House Bill No. 394, Senator Dussault made a motion and was seconded by Senator Huntley that the committee recommend that House Bill No. 394 be not concurred in. The motion was carried.

After consideration of House Bill No. 398, Senator Bentz made a motion, seconded by Senator McDonnell, that the committee recommend that House Bill No. 398 be not concurred in. The motion carried, with Senators Cumming and Huntley voting "No".

After consideration of House Bill No. 416, Senator McGowan made a motion, seconded by Senator Huntley, that the committee recommend that House Bill No. 416 be not concurred in. The motion was carried, with Senators Cumming and Gerard voting "No."

After consideration of House Bill No. 290, the following amendments were proposed: Amend on page 24, Section 28, line 5 of the original bill, being page 23,

under the authority of this act, when the licensee has violated any of the provisions of this act or any rule or regulation of the state fish and game commission. After such revocation, a new license or permit may be issued, if in the discretion of the Montana fish and game commission the circumstances so warrant.

Unscheduled inspections of preserves.

Section 14. The state fish and game commission shall conduct unscheduled inspections of all shooting preserves licensed under this act to insure that pertinent statutes as well as the rules and regulations of the state fish and game commission are being followed and obeyed.

Repealing clause.

Section 15. Any and all statutes, or parts thereof, in conflict with or inconsistent with the provisions of this act upon the date of its enactment are hereby repealed.

Approved March 9, 1965.

CHAPTER 266

An Act to Amend Section 33-124, R. C. M. 1947, by Increasing the Value of the Homestead from Two Thousand Five Hundred Dollars to Seven Thousand Five Hundred Dollars; Providing for an Effective Date for This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 33-124, R. C. M. 1947, is amended to read as follows:

Homestead.

"33-124. **Homesteads — quantity and value of land.** Homesteads may be selected and claimed:

Agricultural purposes.

1. Consisting of any quantity of land not exceeding three hundred and twenty (320) acres used for agricultural purposes, and the dwelling house thereon and its appurtenances, and not included in any town plot, city or village; or

City or village.

2. A quantity of land not exceeding in amount one-fourth ($\frac{1}{4}$) of an acre, being within a town plot, city or village, and the dwelling house thereon and its appurtenances.

3. Such homestead, in either case, shall not exceed in value the sum of *seven thousand five hundred dollars* (\$7,500.00), provided, however, that in any proceedings instituted to determine the value of such homestead, the assessed value of such land, with included appurtenances, if any, and of such dwelling house as appears on the last completed assessment roll preceding the institution of such proceedings shall be prima facie evidence of the value of the property claimed as a homestead."

Limitation of value.

Section 2. This act is effective on its passage and approval.

Effective immediately.

Approved March 9, 1965.

CHAPTER 267

An Act Relating to Payments to Silicotics; Amending Sections 71-1003, 71-1004, and 71-1008, All Revised Codes of Montana, 1947, as Amended; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 71-1003, Revised Codes of Montana, 1947, as last amended by chapter 225, Montana session laws, 1961, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 71-1003. **Eligibility requirements for aid to persons having silicosis, as herein defined.** Payments shall be made under this act to any person who:

Eligibility requirements for payments.

"(a) Has silicosis, as defined in section 71-1001, which results in his total disability so as to prevent him from engaging in a gainful occupation. The term 'gainful occupation' as used herein shall not be construed to mean occasional or intermittent light employment where the ability to do manual labor is not essential, but shall mean any person having an income from any other source exceeding one hundred fifty dollars (\$150.00) per month.

Disability. "Gainful occupation."

"(b) Has resided in and been an inhabitant of the state of Montana for ten (10) years, or more, immediately preceding the date of the application.

Residence.

"(c) Has silicosis and is entitled to payments under this act, but who is not at the time of receiving a pay-

Not in institution.